



Journal of the Senate

Number 1—Special Session B

Thursday, June 19, 1986

At a Special Session of the Florida Legislature convened under Section 3(c), Article III, of the Constitution of the State, as revised in 1968, and Section 11.011, Florida Statutes, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

PRAYER

The following prayer was offered by Auxiliary Captain Sherwood Tidman, The Salvation Army, Tallahassee:

Dear Heavenly Father, on this day we are very aware that no accomplishment comes to pass except that you are involved. On this day we are in need of many things from you.

We ask that you give wisdom in all considerations, patience in all problems, and strength in all endeavors. We ask for your guidance in all that is done. We seek your approval on our actions as we follow that guidance. Thank you for the privilege of those here who are serving you as members of this body of the legislature. May they all be proud of what they do this day.

We also thank you for the ones that work behind the scenes of this organization, those who keep the work going smoothly and efficiently with their efforts. Bless them this day, we pray.

We are grateful for our communities, our state, our country and this world. May we contribute this day to the betterment of all.

We give you glory. We give you honor. Praise the Lord. Amen.

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kirkpatrick	Plummer
Beard	Gersten	Kiser	Scott
Castor	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hill	McPherson	Weinstein
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	

Excused: Senators Hair and Peterson

By direction of the President, the Proclamation convening the Legislature in Special Session was read:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Harry A. Johnston, II, President of the Florida Senate, and James Harold Thompson, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Section 3, Article III, Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Section 3(c), Article III, Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, at 10:00 A.M., on Thursday, the 19th day of June, 1986, for a period of one day, ending at midnight, Thursday, June 19, 1986.

2. That the Legislature is convened for the sole and exclusive purposes of consideration of the following matters:

- (1) Chapter 458, F.S., Medical Practice;
- (2) Chapter 459, F.S., Osteopathic Medical Practice;
- (3) Chapters 465 and 499, F.S., Pharmacy and Pharmaceuticals;
- (4) Chapter 466, F.S., Dentistry, Dental Hygiene, and Dental Laboratories; and
- (5) Chapter 463, F.S., Optometry



Harry A. Johnston, II
President, The Florida Senate

James Harold Thompson
Speaker, The Florida House
of Representatives

Duly filed with and received by the Florida Department of State this 9th day of June, 1986 by:

George Firestone
SECRETARY OF STATE

By direction of the President, the Secretary read the following proclamation:

PROCLAMATION State of Florida Executive Department Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, the Legislature of the State of Florida convened in Regular Session for the year 1986 on April 8, 1986, and adjourned sine die at 3:00 a.m., June 7, 1986 and

WHEREAS, the President of the Senate and Speaker of the House of Representatives have, by joint proclamation of June 9, 1986, called the Legislature into Special Session pursuant to Article III, Section 3 of the Florida Constitution and Section 11.011 of Florida Statutes to reenact certain laws regulating health care professionals.

WHEREAS, it is necessary for the Legislature to also consider certain technical matters related to the Appropriations Bill.

NOW, THEREFORE, I, BOB GRAHAM, as Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Section 11.011, Florida Statutes, do hereby proclaim as follows:

That the Legislature of the State of Florida is convened for the purpose of enacting the following, in addition to the matters contained within the joint proclamation of June 9, 1986.

1. Enactment of legislation relating to specific appropriation 1911 of the General Appropriations Bill, House Bill 1380, to allow transfer of a fixed portion of these funds to the Land Acquisition Trust Fund to pay debt service.

2. Enactment of legislation relating to specific appropriation 295 of the General Appropriations Bill, House Bill 1380, which would allow the establishment of additional positions within that appropriation and allow use of funds for fixed capital outlay.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session, at the Capitol, this 19th day of June, 1986.

Bob Graham
GOVERNOR

ATTEST:
George Firestone
SECRETARY OF STATE

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Frank—

SB 1-B—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S.; deleting obsolete language; amending s. 466.002, F.S.; renaming auxiliary as assistant; amending s. 466.003, F.S.; making technical changes; renaming auxiliary; amending s. 466.004, F.S.; adding new board members; providing for several councils; amending s. 466.006, F.S.; providing for dentists' licensure examinations; amending s. 466.007, F.S.; revising provisions relating to the examination of dental hygienists; amending s. 466.0135, F.S.; making technical changes; specifying continuing education providers; amending s. 466.014, F.S.; providing for proof of continuing education; amending s. 466.015, F.S.; altering inactive status provisions and fees; amending s. 466.017, F.S.; providing for administration of anesthesia by dentists; providing for a fee; amending s. 466.018, F.S.; requiring the identification of a dentist of record; providing for multidentist practices and records; amending s. 466.019, F.S.; substantially altering advertising requirements; creating s. 466.022, F.S.; providing for reporting of information gathered in peer review proceedings; amending s. 466.023, F.S.; clarifying dental hygiene and dental assistant supervisory requirements; amending s. 466.024, F.S.; changing auxiliary to assistant; amending s. 466.025, F.S.; changing auxiliary to assistant; amending s. 466.026, F.S.; increasing prohibitions for which there are criminal penalties; making technical changes; amending s. 466.028, F.S.; prescribing grounds for disciplinary action; increasing certain fines; amending s. 466.0285, F.S.; altering provisions relating to ownership of dental equipment and material; amending s. 466.031, F.S.; making technical changes; amending s. 466.032, F.S.; providing for biennial registration; amending s. 627.912, F.S.; providing reporting requirements for insurers regarding professional liability claims and actions; saving chapter 466, F.S., from Sunset repeal; repealing s. 466.0395, F.S., relating to obsolete savings clause; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Frank—

SB 2-B—A bill to be entitled An act relating to pharmacy; amending s. 465.002, F.S., clarifying legislative findings; amending s. 465.003, F.S., revising definitions; amending s. 465.004, F.S., requiring members of the Board of Pharmacy to have practiced in this state; deleting obsolete language; amending s. 465.005, F.S., clarifying rulemaking authority; amending s. 465.007, F.S., relating to licensure by examination; providing for the Test of Spoken English; amending s. 465.008, F.S., relating to license renewal; providing clarifying language; amending s. 465.009, F.S., clarifying continuing education requirements; amending s. 465.012, F.S., providing for revised inactive status requirements; amending s. 465.0125, F.S., relating to consultant pharmacists; amending s. 465.014, F.S., providing for the supervision of pharmacy technicians; amending s. 465.015, F.S., providing that it is unlawful to sell samples or complimentary packages of drug products; creating s. 465.0155, F.S., providing for standards of practice; creating s. 465.0156, F.S., providing for the regulation of mail order pharmacies; providing for disclosure; amending s. 465.0165, F.S., providing for treatment programs for impaired practitioners; providing penalties; amending s. 465.0193, F.S., revising language to include reference to nuclear pharmacy; amending s. 465.022, F.S., providing revised

pharmacy permit requirements; amending s. 465.026, F.S., providing for the transfer of out-of-state prescriptions; providing clarifying language with respect to prescriptions; amending s. 465.027, F.S., deleting an exception to the operation of the chapter; creating s. 465.0275, F.S., providing for emergency prescription refills; creating s. 465.0276, F.S., regulating dispensing practitioners; creating s. 465.187, F.S., providing for a sales tax exemption with respect to the sale of medicinal drugs; amending s. 499.025, F.S., relating to identification requirements for certain drug products; amending s. 499.028, F.S., requiring reports concerning complimentary drugs; prohibiting the sale of complimentary packages of drug products; providing administrative fines; creating s. 465.0285, F.S., directing the Board of Pharmacy to make a report to the Legislature; repealing s. 465.028, F.S., relating to savings clauses; saving the chapter from Sunset repeal; providing for review and repeal; providing effective dates.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Frank—

SB 3-B—A bill to be entitled An act relating to optometry; amending ss. 463.001, 463.002, 463.003, 463.005, 463.006, 463.007, 463.009, 463.012, 463.013, 463.015, 463.016, 463.018, 463.019, F.S.; reviving and readopting, notwithstanding scheduled repeals, ch. 463, F.S.; relating to the regulation of optometry; providing legislative findings and purpose; providing definitions; providing conforming language; providing application and examination fees; providing continuing education requirements; prescribing conditions for the release of a contact lens prescription; proscribing certain acts and providing criminal penalties therefor; providing additional grounds for disciplinary action and administrative penalties; increasing administrative fines; providing for licensure by endorsement; providing for prospective application; creating s. 463.0055, F.S.; providing for a standard of practice, degree of care, and appropriate advice; creating s. 463.0136, F.S.; providing for noncontrolled diagnostic drugs available for use by optometrists; repealing s. 463.014, F.S., relating to prohibited acts; providing for future repeal and legislative review; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Frank—

SB 4-B—A bill to be entitled An act relating to health care practitioners; amending s. 459.001, F.S., providing legislative purpose; amending s. 459.002, F.S., deleting an exception to the operation of the chapter; amending s. 459.004, F.S., deleting obsolete language with respect to the Board of Osteopathic Medical Examiners; creating s. 459.0055, F.S., providing general licensure requirements; amending s. 459.006, F.S., providing for licensure by examination; amending s. 459.007, F.S., providing for licensure by endorsement; amending s. 459.0075, F.S., providing for limited licenses; amending s. 459.0077, F.S., relating to osteopathic faculty certificates; deleting a fee restriction; amending s. 459.008, F.S., providing for the renewal of licenses and certificates; amending s. 459.009, F.S., providing for inactive status; creating s. 459.0092, F.S., providing for fees; amending s. 459.0095, F.S., relating to Medicare and Medicaid assignments; amending s. 459.012, F.S., relating to itemized patient billing; creating s. 459.0122, F.S., relating to patient records with respect to the termination of an osteopathic physician's practice; providing clarifying language; amending s. 459.013, F.S., providing a penalty for certain violations; amending s. 459.015, F.S., providing grounds for disciplinary action; providing for increased fines under certain circumstances; creating s. 459.0155, F.S., providing for treatment programs for impaired practitioners; providing for a penalty; amending s. 459.016, F.S., relating to reports of disciplinary actions; amending s. 459.017, F.S., relating to osteopathic physician's consent; amending s. 459.018, F.S., relating to search warrants for described violations; providing that such warrants may be executed at any time; amending s. 459.021, F.S., relating to the registration of hospital residents and interns; providing clarifying language; amending s. 459.022, F.S., relating to osteopathic physician assistants; creating the Physician Assistants Committee; providing for certification; providing for application approval; authorizing the Secretary of the Department of Health and Rehabilitative Services to extend the other personal services employment of osteopathic physicians; creating an Impaired Practitioners Committee; providing duties; repealing s. 459.014, F.S., relating to sexual misconduct in the practice of osteopathic medicine; repealing s. 459.0153, F.S., relating to the prescription or administration of laetrile; repealing s. 459.0154, F.S., relating to the pre-

scription or administration of DMSO; saving chapter 459, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senators Fox and Myers—

SB 5-B—A bill to be entitled An act relating to medical practice; revising, reviving, and readopting, notwithstanding scheduled repeal, ch. 458, F.S.; amending ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, 458.313, 458.316, 458.317, 458.319, 458.321, 458.322, 458.324, 458.327, 458.331, 458.3315, 458.347, F.S.; creating ss. 458.314, 458.3145, 458.3165, F.S.; providing purpose; providing exceptions; changing the name of the Board of Medical Examiners to the Board of Medicine; increasing membership of the board; requiring one member to be a graduate of a foreign medical school; specifying effect of rules; providing fees; providing for licensure by examination; providing for licensure by endorsement; providing for certification of foreign medical educational institutions; providing for the issuance of medical faculty certificates, public health certificates, and public psychiatry certificates; providing for the issuance of limited licenses; providing for renewal of licenses; eliminating certain fees for nonresidents; providing for reactivation of inactive licenses; providing for notice relating to Medicare assignments; requiring the communication of certain treatment alternatives to certain patients; providing penalties; specifying grounds for disciplinary actions; providing treatment programs for impaired practitioners; redefining "physician's assistant", "supervision", and "proficiency examination"; outlining the performance of supervising physicians, assistants, and trainees; establishing new certification and temporary certification guidelines for physician's assistants; deleting reference to application approval; creating a physician's assistant committee; deleting reference to revocation of approval; providing provisions for denial, suspension, or revocation of certification; deleting reference to fees; amending s. 458.3485, F.S.; providing an additional duty for a medical assistant; limiting the rulemaking authority of the Board of Medicine relating to clinical clerkships for graduates of foreign medical schools; providing for the extension of other personal services employment of certain physicians; providing that this act does not affect or abrogate certain enactments of the 1986 Regular Session of the Legislature; allowing to stand repealed as scheduled s. 458.333, F.S., relating to the prescription of amygdalin (laetrile); providing for future repeal and legislative review; providing effective dates.

—was referred to the Committee on Health and Rehabilitative Services.

By Senator Neal—

SB 6-B—A bill to be entitled An act relating to the Fiscal Year 1986-1987 General Appropriations Act; amending Specific Appropriation 1911, relating to the Land Acquisition Trust Fund, to provide for payment of the first year's debt service for bonds issued to acquire certain lands; amending Specific Appropriation 295, relating to prison health services, to provide for the authorization of additional positions and Fixed Capital Outlay expenditures; providing an effective date.

—was referred to the Committee on Appropriations.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jenne, by two-thirds vote Senate Bills 1-B, 2-B, 3-B and 4-B were withdrawn from the Committee on Economic, Community and Consumer Affairs; SB 5-B from the Committee on Health and Rehabilitative Services; and SB 6-B from the Committee on Appropriations.

On motion by Senator Jenne, by two-thirds vote the following bills were established as the special order calendar: SB 3-B, SB 5-B, SB 1-B, SB 4-B, SB 2-B, SB 6-B

On motion by Senator Jenne, by two-thirds vote debate on SB 3-B was limited to two minutes per member.

SPECIAL ORDER

On motion by Senator Frank, by two-thirds vote—

SB 3-B—A bill to be entitled An act relating to optometry; amending ss. 463.001, 463.002, 463.003, 463.005, 463.006, 463.007, 463.009, 463.012, 463.013, 463.015, 463.016, 463.018, 463.019, F.S.; reviving and readopting, notwithstanding scheduled repeals, ch. 463, F.S.; relating to the regula-

tion of optometry; providing legislative findings and purpose; providing definitions; providing conforming language; providing application and examination fees; providing continuing education requirements; prescribing conditions for the release of a contact lens prescription; proscribing certain acts and providing criminal penalties therefor; providing additional grounds for disciplinary action and administrative penalties; increasing administrative fines; providing for licensure by endorsement; providing for prospective application; creating s. 463.0055, F.S.; providing for a standard of practice, degree of care, and appropriate advice; creating s. 463.0136, F.S.; providing for noncontrolled diagnostic drugs available for use by optometrists; repealing s. 463.014, F.S., relating to prohibited acts; providing for future repeal and legislative review; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendment which was adopted:

Amendment 1—On page 4, strike all of lines 10-12 and insert: is hereby created to be composed of one member with a doctor's degree in pharmacology who is not licensed under chapter 458, 459, or 463 and who is selected by the department

Senator Kirkpatrick moved the following amendment which failed:

Amendment 2—Strike everything after the enacting clause and insert:

Section 1. Section 463.0001, Florida Statutes, is created to read:

463.0001 *Short title.*—This chapter shall be known as the "Optometry Practice Act."

Section 2. Section 463.001, Florida Statutes, is amended to read:

463.001 *Purpose; legislative findings; intent.*—

(1) ~~The Legislature finds that the practice of optometry is declared a health care profession. Unskilled and incompetent practitioners present a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice when selecting an optometrist and that the consequences of a wrong choice could seriously endanger the public health and safety. The Legislature declares that the only way to protect the public from the incompetent practice of optometry is through the establishment of minimum qualifications for entry into the profession and through swift and effective discipline for those practitioners who violate the law.~~

(2) ~~The sole legislative purpose in enacting this chapter is to ensure that every person engaged in the practice of optometry in this state meets minimum requirements for safe practice. It is the legislative intent that such persons who fall below minimum standards or who otherwise present a danger to the public shall be prohibited from practicing in this state the protection of the public health and safety.~~

(3) ~~Nothing in this chapter shall be construed to prevent a person licensed under chapter 458, chapter 459, or part I of chapter 484 464 from performing those services which he is licensed to perform. The provisions of this chapter shall have no application to any person furnishing assistance in case of an emergency or delegating to his supportive personnel those services which he is licensed to perform.~~

Section 3. Section 463.002, Florida Statutes, is amended to read:

463.002 *Definitions.*—As used in this chapter:

(1) "Board" means the Board of Optometry.

(2) "Department" means the Department of Professional Regulation.

(3) "Licensed practitioner" "Optometrist" means a person who is a primary health care provider licensed to engage in the practice of optometry in this state under the authority of this chapter. A licensed practitioner who is not a certified optometrist shall be required to display at his place of business a sign which states, "I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe topical ocular pharmaceutical agents."

(4) "Certified optometrist" means a licensed practitioner authorized by the board to administer and prescribe topical ocular pharmaceutical agents.

(5)(4) "Optometry" means the diagnosis of conditions of the human

eye and its appendages; the employment of any objective or subjective means or methods, *including the administration of topical ocular pharmaceutical agents*, for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological, or anatomic anomalies of the human eyes and their appendages; and the prescribing and employment of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, light frequencies, and any other means or methods, *including topical ocular pharmaceutical agents*, for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages.

(6)(5) "Direct supervision" means supervision to an extent that the licensee remains on the premises while all *procedures are work* is being done and gives final approval to any *procedures work* performed by an employee.

(7) "General supervision" means the responsible supervision of supportive personnel by a licensee who need not be present when such procedures are performed, but who assumes legal liability therefor. Except in cases of emergency, general supervision shall require the easy availability or physical presence of the licensee for consultation with and direction of the supportive personnel.

(8) "Appendages" means the eyelids, the eyebrows, the conjunctiva, and the lacrimal apparatus.

(9) "Transcript quality" means a course which is in conjunction with or sponsored by a school or college of optometry or equivalent educational entity, which course is approved by the board and requires a test and passing grade.

(10) "Clock hours" means the actual time engaged in approved coursework and clinical training.

Section 4. Section 463.003, Florida Statutes, is amended to read:

463.003 Board of Optometry.—

(1) There is created within the Department of Professional Regulation a Board of Optometry, composed of seven members appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed practitioners actively practicing ~~optometrists in good standing~~ in this state, and the remaining two members shall be citizens of the state who are not, nor have ever been, licensed practitioners ~~optometrists~~ and who are in no way connected with the practice of optometry or with any vision-oriented profession or business.

~~(3) Within 60 days after June 30, 1979, the Governor shall appoint seven eligible and qualified members of the board as follows:~~

~~(a) Two members for terms of 2 years each.~~

~~(b) Two members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3)(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. ~~The members of the board serving on July 1, 1979, shall continue in office until their successors are appointed.~~

(4)(5) All applicable provisions of chapter 455 and s. 20.30(5) relating to activities of regulatory boards shall apply.

Section 5. Section 463.005, Florida Statutes, is amended to read:

463.005 Authority of the board; ~~to make rules.~~—

(1) The Board of Optometry is authorized to make such rules not inconsistent with law as ~~are may be~~ necessary to carry out the duties and authority conferred upon the board by this chapter ~~and as may be necessary to protect the health, safety, and welfare of the public~~. Such rules shall include, but not be limited to, rules relating to:

(a)(1) ~~Standards A standard~~ of practice, including, but not limited to, those provided for in s. 463.0135 for ~~licensed optometrists~~.

(b)(2) Minimum equipment which a licensed practitioner ~~an optometrist~~ shall at all times possess to engage in the practice of optometry.

(c) Minimum procedures which shall constitute a visual examination.

(d)(3) Procedures for the safekeeping and transfer of prescription files or case records upon the discontinuance of practice ~~going out of business of an optometrist~~.

(e) Supervision of supportive personnel.

(f) Courses and procedures for continuing education.

(g) Administration and prescription of topical ocular pharmaceutical agents.

(2) The board is authorized to disseminate information, the sole purpose of which is to inform licensed practitioners and the public of regulations regarding the practice of optometry.

Section 6. Section 463.0055, Florida Statutes, is created to read:

463.0055 Administration and prescription of topical ocular pharmaceutical agents; certification; fees; committee.—

(1) Certified optometrists may administer and prescribe topical ocular pharmaceutical agents as provided in this section for the diagnosis and treatment of ocular conditions of the human eye and its appendages, without the use of surgery or other invasive techniques. However, a licensed practitioner who is not certified pursuant to this section may use topically applied anesthetics solely for the purpose of glaucoma examinations, but is otherwise prohibited from administering or prescribing topical ocular pharmaceutical agents.

(2) The board shall issue certification for the administration and prescription of topical ocular pharmaceutical agents in the diagnosis and treatment of ocular conditions to licensed practitioners who have completed the appropriate forms as required by the board and who have submitted proof of fulfilling all of the following requirements:

(a) Successful completion of at least 110 hours of approved transcript quality coursework and clinical training in general and ocular pharmacology, as determined by the board. However, no course in pharmacology shall be approved by the board unless the course is conducted by an institution which has facilities for both the didactic and clinical instructions in pharmacology and which is accredited by a regional or professional accrediting organization that is recognized and approved by the Council on Post-Secondary Accreditation or the United States Department of Education.

(b) Completion of at least 1 year of supervised experience in differential diagnosis of eye disease or disorders as part of the optometric training or in a clinical setting as part of optometric experience.

(c) Successful completion of an examination approved by the board which tests knowledge of general and ocular pharmacology with particular emphasis on the topical application of pharmaceutical agents for the eye and the side effects of such pharmaceutical agents.

(3) The board shall establish by rule an application fee, not to exceed \$250, and an examination fee, not to exceed \$250, for certification pursuant to this section.

(4)(a) There is hereby created a committee composed of two optometrists licensed pursuant to this chapter, two physicians or osteopathic physicians licensed pursuant to chapter 458 or chapter 459, and one additional person with a doctorate degree in pharmacology who is not licensed pursuant to chapter 458, chapter 459, or chapter 463. The members of the committee shall be appointed by the secretary. The committee shall submit to the secretary a formulary of topical ocular pharmaceutical agents for administration and prescription by certified optometrists. The formulary shall consist of those topical ocular pharmaceutical agents which the certified optometrist is qualified pursuant to this section to use in the practice of optometry. The department shall establish the formulary by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall become effective 60 days from the date it is filed with the Secretary of State, unless the Board of Pharmacy, pursuant to notice as provided for in s. 120.54, holds a hearing within 30 days from its receipt of the rule, at which hearing the Board of Pharmacy rejects the rule in whole or in part. If the Board of Pharmacy rejects the rule in whole or in part, the secretary shall trans-

mit notice to the Secretary of State of the withdrawal of that portion of the rule rejected.

(b) The formulary may be added to or deleted from according to the procedure described in paragraph (a). Any person who requests an addition, deletion, or modification of an authorized topical ocular pharmaceutical agent shall have the burden of proof to show cause why such addition, deletion, or modification should be made.

(c) Upon adoption of the formulary required by this section, and upon each addition, deletion, or modification to the formulary, the board shall mail a copy of the amended formulary to each certified optometrist and to each pharmacy licensed by the state.

(5) A certified optometrist shall be issued a prescriber number by the board. Any prescription written by a certified optometrist for a topical ocular pharmaceutical agent pursuant to this section shall have the prescriber number printed thereon.

Section 7. Subsections (1) and (3) of section 463.006, Florida Statutes, are amended to read:

463.006 Licensure by examination.—

(1) Any person desiring to be a licensed practitioner pursuant to this chapter as an optometrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board determines certifies has:

(a) Completed the application form and remitted an examination fee not to exceed \$250 as set by the board.

(b) Submitted proof satisfactory to the department that he is at least 18 years of age, has graduated from or over and a graduate of an accredited school or college of optometry approved by rule of the board, and is of good moral character.

(3) Each applicant who successfully passes the examination and otherwise meets the requirements of this chapter shall be entitled to be a licensed practitioner as an optometrist.

Section 8. Subsection (5) of section 463.007, Florida Statutes, is amended to read:

463.007 Renewal of license; continuing education periodic demonstration of competency.—

(5)(a) Unless otherwise provided by law, the board shall may require licensees to periodically demonstrate their professional competence, as a condition of renewal of a license, by completing up to 30 hours of continuing education during the 2-year period preceding license renewal every 2 years. For certified optometrists, the 30-hour continuing education requirement shall include 6 or more hours of approved transcript quality coursework in ocular pharmacology during the 2-year period preceding application for license renewal.

(b) Criteria or course content of continuing education shall be approved by the board and shall be regularly reviewed by the board to assure that the programs adequately and reliably contribute to the professional competence of the licensee.

(c) ~~The board shall adopt rules to implement the provisions of this act.~~

Section 9. Section 463.008, Florida Statutes, is amended to read:

463.008 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to this section s. 463.007 upon application to the department. The applicant for reactivation shall disclose on the application whether any disciplinary action has been taken against any optometry license the practitioner possessed in any other jurisdiction during the time period in which the Florida license was inactive. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 15 12 classroom hours for each year the license was inactive, in addition to completion of the number of hours required for renewal on the date the license became inactive. The board shall, by rule, determine the length of time, not less than 4 nor more than 6 years, within which an inactive license shall be reactivated. Any inactive license which is not reactivated within that time shall automatically expire. Any such license which has been inactive for more than 4 years

shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.

(2) The board shall promulgate rules relating to application procedures for inactive status, licenses which have become inactive and for the biennial renewal of inactive licenses, and for the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, and a fee for the reactivation of a license. Each of these fees shall be the same as the biennial renewal fee established by the board for an active license a fee not to exceed \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license.

(3) The department shall not reactivate a license unless the inactive licensee has paid an inactive application fee, any applicable biennial renewal fee, and a reactivation fee.

Section 10. Section 463.009, Florida Statutes, is amended to read:

463.009 Supportive personnel.—No person other than a licensed practitioner may engage in the practice of optometry as defined in s. 463.002(5). Except as provided in this section, under no circumstances shall nonlicensed supportive personnel be delegated diagnosis or treatment duties; however, such personnel may perform data gathering, preliminary testing, prescribed visual therapy, and related duties under the direct supervision of the licensed practitioner. Nonlicensed personnel, who need not be employees of the licensed practitioner, may perform ministerial duties, tasks, and functions assigned to them by and performed under the general supervision of a licensed practitioner, including obtaining information from consumers for the purpose of making appointments for the licensed practitioner. The licensed practitioner shall be responsible for all delegated acts performed by persons under his direct and general supervision. No person other than a licensed optometrist may engage in the practice of optometry, except that a licensed optometrist may delegate to nonlicensed supportive personnel those duties, tasks, and functions which do not fall within the purview of s. 463.002(4). All such delegated acts shall be performed under the direct supervision of a licensed optometrist who shall be responsible for all such acts performed by persons under his supervision.

Section 11. Section 463.011, Florida Statutes, is amended to read:

463.011 Exhibition of license.—Each person to whom a license or branch office license is issued by the department shall keep said license conspicuously displayed in the appropriate his office or place of business and shall, whenever required, exhibit said license to any member or authorized representative of the department.

Section 12. Section 463.012, Florida Statutes, is amended to read:

463.012 Prescriptions; filing; release; duplication.—

(1) A licensed practitioner optometrist shall keep on file for a period of at least 2 years any prescription he writes.

(2)(a) A licensed practitioner shall make available to the patient or his agent any spectacle prescription or duplicate copy determined for that patient. Such prescription shall be considered a valid prescription to be filled for a period of 5 years.

(b) A licensed practitioner shall make available to the patient or his agent any daily wear soft contact lens prescription or duplicate copy determined for that patient. Such prescription shall be considered a valid prescription to be filled for a period of 2 years.

(2) ~~An optometrist shall, upon request by a patient or his agent, make available a duplicate copy of any original prescription less than 2 years old. Any duplicate prescription shall be considered a valid prescription to be filled for a period of 2 years from the date of the original prescription.~~

Section 13. Section 463.013, Florida Statutes, is amended to read:

463.013 Optometric services for certain public agencies.—Any agency of the state or county or any commission, clinic, or board administering relief, social security, health insurance, or health service under the laws of the state shall accept the services of optometrists licensed practitioners in this state for the purposes of diagnosing and correcting any and all visual, muscular, neurological, and anatomic anomalies of the human eyes and their appendages of any persons under the jurisdiction of said

agency, clinic, commission, or board administering such relief, social security, health insurance, or health service, on the same basis, and on a parity with any other person authorized by law to render similar professional service, when such services are needed, and shall pay for such services in the same way as other professionals may be paid for similar services.

Section 14. Section 463.0135, Florida Statutes, is created to read:

463.0135 Standards of practice.—

(1) A licensed practitioner shall provide that degree of care which conforms to that level of care provided by medical practitioners in the same or similar communities. A licensed practitioner shall advise or assist his patient in obtaining further care when the service of another health care practitioner is required.

(2) A licensed practitioner diagnosing angle closure, infantile, or congenital forms of glaucoma shall refer the patient to a physician skilled in diseases of the eye and licensed under chapter 458 or chapter 459.

(3) When an infectious corneal disease condition has not responded to standard methods of treatment within the scope of optometric practice, the certified optometrist shall consult with a physician skilled in diseases of the eye and licensed under chapter 458 or chapter 459.

(4) A licensed practitioner shall promptly advise a patient to seek evaluation by a physician skilled in diseases of the eye and licensed under chapter 458 or chapter 459 for diagnosis and possible treatment whenever the licensed practitioner is informed by the patient of the sudden onset of spots or "floaters" with loss of all or part of the visual field.

(5) The licensed practitioner shall routinely advise a patient to immediately contact the licensed practitioner if the patient experiences an adverse drug reaction.

(6) The licensed practitioner shall, when appropriate, refer to medical specialists or facilities patients who notify a licensed practitioner of an adverse drug reaction.

(7) The licensed practitioner shall place in a patient's permanent record information describing any adverse drug reaction experienced by the patient, the date of such reaction, and whether any referral was made.

(8) The licensed practitioner shall maintain the names of at least three physicians, physician clinics, or hospitals to whom the licensed practitioner will refer patients who experience an adverse drug reaction. At least one of these physicians shall be a physician skilled in the diagnosis and treatment of diseases of the eye and licensed under chapter 458 or chapter 459.

Section 15. Section 463.014, Florida Statutes, is amended to read:

463.014 Certain acts prohibited.—

(1) ~~Except as otherwise provided in this section:~~

~~(a) No optometrist shall practice or attempt to practice under a name other than his own or under the name of a professional association. No optometrist shall practice under the name of any company, corporation, trade name, business name, or other fictitious entity.~~

(a)(b) No corporation, lay body, organization, or individual other than a licensed practitioner optometrist shall engage in the practice of optometry through the means of engaging the services, upon a salary, commission, or other means or inducement, of any person licensed to practice optometry in this state. Nothing in this section shall be deemed to prohibit the association of a licensed practitioner with a multidisciplinary group of licensed health care professionals, the primary objective of which is the diagnosis and treatment of the human body.

(b)(e) No licensed practitioner optometrist shall engage in the practice of optometry with any corporation, organization, group, or lay individual. This provision shall not prohibit licensed practitioners optometrists from employing, or from forming partnerships or professional associations with, licensed practitioners optometrists licensed in this state or with other licensed health care professionals, the primary objective of whom is the diagnosis and treatment of the human body.

(c)(d) No rule of the board shall forbid the practice of optometry in or on the premises of a commercial or mercantile establishment.

(d) No licensed practitioner may practice under practice identification names, trade names, or service names, unless any dissemination of information by the practitioner to consumers contains the name under which the practitioner is licensed or that of the professional association in which the practitioner participates. Any advertisement or other dissemination of information to consumers may contain factual information as to the geographic location of licensed practitioners or of the availability of optometric services.

(e) No licensed practitioner shall adopt and publish or cause to be published any practice identification name, trade name, or service name which is, contains, or is intended to serve as an affirmation of the quality or competitive value of the optometric services provided at the identified practice.

(2) A corporation or labor organization may employ licensed practitioners optometrists to provide optometric services to bona fide employees of such corporation and members of their immediate families or to bona fide members of such labor organization and members of their immediate families, provided the provision of such services is incidental to the legitimate business or other lawful purposes of such corporation or labor organization. Nothing in this section shall not be deemed to authorize the employment of licensed practitioners optometrists by corporations or organizations formed primarily for such purposes unless such corporation or organization is licensed under part I of chapter 637.

(3) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any systemic drugs by a licensed practitioner is prohibited.

(4) Surgery of any kind, including the use of lasers, is expressly prohibited. Certified optometrists may remove superficial foreign bodies. For the purposes of this subsection, "superficial foreign bodies" means any foreign matter that is embedded in the conjunctiva or cornea, but which has not penetrated the globe.

(5) No rule of the board shall prohibit a licensed practitioner from authorizing a board-certified optician to fill, fit, adapt, or dispense a contact lens prescription as authorized under chapter 484.

Section 16. Section 463.015, Florida Statutes, is amended to read:

463.015 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 No person shall:

(a) Practicing or attempting to practice optometry without a valid ~~unless the person holds an active license issued pursuant to this act;~~

(b) ~~Use the name or title "optometrist" when the person has not been licensed pursuant to this act;~~

(c) ~~Present as his own the license of another;~~

(b)(d) ~~Attempting to obtain or Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license to practice optometry by fraudulent misrepresentation;~~

(c)(e) ~~Using Use or attempting attempt to use a license to practice optometry which has been suspended or revoked;~~

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Identifying one's activity by using the name or title "optometrist," "licensed practitioner," "certified optometrist," "Doctor of Optometry," or "O.D." in a manner which represents to the public that the person is a licensed practitioner or certified optometrist when the person has not been licensed or certified pursuant to this chapter.

(b)(f) Knowingly employing employ unlicensed persons in the practice of optometry, except as specifically authorized by this chapter; ~~or~~

(c)(g) Knowingly concealing conceal information relating relative to violations of this chapter.

(d) Willfully making any false oath or affirmation when required to make an oath or affirmation pursuant to this chapter.

(2) ~~Any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 17. Paragraphs (d), (e), (p), and (r) of subsection (1), paragraphs (c) and (e) of subsection (2), and subsection (3) of section 463.016, Florida Statutes, are amended, and paragraph (t) is added to subsection (1) of said section, to read:

463.016 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of optometry or to the ability to practice optometry. *Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.*

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed by the licensee in his capacity as a licensed practitioner optometrist.

(p) Being unable to practice optometry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. *A licensed practitioner An optometrist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of optometry with reasonable skill and safety to patients.*

(r) Violating any provision of s. 463.014 or s. 463.015.

(t) *Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensed practitioner knows or has reason to know he is not competent to perform.*

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(c) Imposition of an administrative fine not to exceed \$5,000 \$1,000 for each count or separate offense.

(e) Placement of the licensed practitioner optometrist on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensed practitioner optometrist to submit to treatment, to attend continuing education courses, or to work under the supervision of another licensed practitioner optometrist.

(3) The board shall not reinstate the license of a person an optometrist, or cause a license to be issued to a person it has deemed unqualified, until such time as it is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of optometry.

Section 18. Section 463.018, Florida Statutes, is amended to read:

463.018 Reciprocity.—In order to ensure that optometrists licensed practitioners in this state may be considered for licensure in other states, the board may enter into reciprocity agreements with other states.

Section 19. Section 463.019, Florida Statutes, is amended to read:

463.019 Saving clauses.—

(1) No judicial or administrative proceeding pending on October 1, 1986 July 1, 1979, shall be abated as a result of the repeal and reenactment of this chapter.

(2) All licenses valid on October 1, 1986 July 1, 1979, shall remain in full force and effect. Henceforth, all licenses shall be applied for and renewed in accordance with this act.

Section 20. *Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, chapter 463, Florida Statutes, shall not*

stand repealed on October 1, 1986, and shall continue in full force and effect as amended herein.

Section 21. Chapter 463, Florida Statutes, is repealed on October 1, 1996, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 22. This act shall take effect upon becoming a law.

The vote was:

Yeas—17

Barron	Gersten	Kirkpatrick	Thomas
Beard	Girardeau	Langley	Thurman
Childers, D.	Grant	Mann	
Crenshaw	Hill	McPherson	
Fox	Jenne	Neal	

Nays—18

Mr. President	Dunn	Johnson	Stuart
Castor	Frank	Malchon	Vogt
Childers, W. D.	Gordon	Meek	Weinstein
Crawford	Grizzle	Myers	
Deratany	Jennings	Scott	

Pairs

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hair on Amendment 2. If he were present he would vote "nay" and I would vote "yea."

Gwen Margolis, 37th District

I am paired with Senator Peterson on Amendment 2. If he were present he would vote "nay" and I would vote "yea."

Lawrence H. Plummer, 39th District

Reconsideration

On motion by Senator W. D. Childers, the Senate reconsidered the vote by which Amendment 2 failed. The vote was:

Yeas—18

Barron	Fox	Jenne	Neal
Beard	Gersten	Kirkpatrick	Thomas
Childers, D.	Girardeau	Langley	Thurman
Childers, W. D.	Grant	Mann	
Crenshaw	Hill	McPherson	

Nays—17

Mr. President	Frank	Malchon	Vogt
Castor	Gordon	Meek	Weinstein
Crawford	Grizzle	Myers	
Deratany	Jennings	Scott	
Dunn	Johnson	Stuart	

Amendment 2 was adopted. The vote was:

Yeas—18

Barron	Fox	Jenne	Neal
Beard	Gersten	Kirkpatrick	Thomas
Childers, D.	Girardeau	Langley	Thurman
Childers, W. D.	Grant	Mann	
Crenshaw	Hill	McPherson	

Nays—17

Mr. President	Frank	Malchon	Vogt
Castor	Gordon	Meek	Weinstein
Crawford	Grizzle	Myers	
Deratany	Jennings	Scott	
Dunn	Johnson	Stuart	

Pairs

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hair on Amendment 2. If he were present he would vote "nay" and I would vote "yea."

Gwen Margolis, 37th District

I am paired with Senator Peterson on Amendment 2. If he were present he would vote "nay" and I would vote "yea."

Lawrence H. Plummer, 39th District

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 3—Strike the title and insert: A bill to be entitled An act relating to optometry; creating s. 463.0001, F.S., providing a short title; amending s. 463.001, F.S., providing legislative purpose and intent; amending s. 463.002, F.S., providing definitions; amending s. 463.003, F.S., providing membership and terms of the Board of Optometry; amending s. 463.005, F.S., providing authority of the board; creating s. 463.0055, F.S., providing for administration and prescription of topical ocular pharmaceutical agents by certified optometrists; providing requirements for certification; providing for fees; providing for a formulary of authorized topical ocular pharmaceutical agents and providing for a committee for the submission thereof; amending s. 463.006, F.S., providing for licensure by examination; amending s. 463.007, F.S., providing for renewal of license; providing for continuing education; amending s. 463.008, F.S., providing for inactive status; amending s. 463.009, F.S., providing for supervision of supportive personnel; amending s. 463.011, F.S., providing for exhibition of license; amending s. 463.012, F.S., providing for optical prescription filing, release, and duplication; amending s. 463.013, F.S., to conform terminology; creating s. 463.0135, F.S., providing standards of practice; requiring referral and consultation under certain conditions; amending s. 463.014, F.S., prohibiting certain acts; amending s. 463.015, F.S., providing violations and penalties; amending s. 463.016, F.S., providing grounds for disciplinary action and penalties; amending s. 463.018, F.S., to conform terminology; amending s. 463.019, F.S., providing saving clauses; saving chapter 463, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

On motion by Senator Frank, by two-thirds vote SB 3-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Dunn	Kirkpatrick	Stuart
Barron	Fox	Langley	Thomas
Beard	Gersten	Malchon	Thurman
Castor	Gordon	Mann	Vogt
Childers, D.	Grant	McPherson	Weinstein
Childers, W. D.	Grizzle	Meek	
Crawford	Jenne	Neal	
Crenshaw	Jennings	Scott	

Nays—4

Deratany	Frank	Johnson	Myers
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Vote after roll call:

Yea—Girardeau, Hill

Yea to Nay—Grizzle

Pairs

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Hair on SB 3-B. If he were present he would vote "nay" and I would vote "yea."

Gwen Margolis, 37th District

I am paired with Senator Peterson on SB 3-B. If he were present he would vote "nay" and I would vote "yea."

Lawrence H. Plummer, 39th District

SB 5-B—A bill to be entitled An act relating to medical practice; revising, reviving, and readopting, notwithstanding scheduled repeal, ch. 458, F.S.; amending ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, 458.313, 458.316, 458.317, 458.319, 458.321, 458.322, 458.324, 458.327, 458.331, 458.3315, 458.347, F.S.; creating ss. 458.314, 458.3145, 458.3165, F.S.; providing purpose; providing exceptions; changing the name of the Board of Medical Examiners to the Board of Medicine; increasing membership of the board; requiring one member to be a gradu-

ate of a foreign medical school; specifying effect of rules; providing fees; providing for licensure by examination; providing for licensure by endorsement; providing for certification of foreign medical educational institutions; providing for the issuance of medical faculty certificates, public health certificates, and public psychiatry certificates; providing for the issuance of limited licenses; providing for renewal of licenses; eliminating certain fees for nonresidents; providing for reactivation of inactive licenses; providing for notice relating to Medicare assignments; requiring the communication of certain treatment alternatives to certain patients; providing penalties; specifying grounds for disciplinary actions; providing treatment programs for impaired practitioners; redefining "physician's assistant", "supervision", and "proficiency examination"; outlining the performance of supervising physicians, assistants, and trainees; establishing new certification and temporary certification guidelines for physician's assistants; deleting reference to application approval; creating a physician's assistant committee; deleting reference to revocation of approval; providing provisions for denial, suspension, or revocation of certification; deleting reference to fees; amending s. 458.3485, F.S.; providing an additional duty for a medical assistant; limiting the rulemaking authority of the Board of Medicine relating to clinical clerkships for graduates of foreign medical schools; providing for the extension of other personal services employment of certain physicians; providing that this act does not affect or abrogate certain enactments of the 1986 Regular Session of the Legislature; allowing to stand repealed as scheduled s. 458.333, F.S., relating to the prescription of amygdalin (laetrile); providing for future repeal and legislative review; providing effective dates.

On motions by Senator Fox, by two-thirds vote SB 5-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Jennings	Myers
Barron	Fox	Johnson	Neal
Beard	Frank	Kirkpatrick	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Crenshaw	Hill	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein

Nays—1

Gersten

Consideration of SB 1-B was deferred.

On motion by Senator Jenne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Lippman—

HB 4-B—A bill to be entitled An act relating to health care practitioners; amending s. 459.001, F.S., providing legislative purpose; amending s. 459.002, F.S., deleting an exception to the operation of the chapter; amending s. 459.004, F.S., deleting obsolete language with respect to the Board of Osteopathic Medical Examiners; creating s. 459.0055, F.S., providing general licensure requirements; amending s. 459.006, F.S., providing for licensure by examination; amending s. 459.007, F.S., providing for licensure by endorsement; amending s. 459.0075, F.S., providing for limited licenses; amending s. 459.0077, F.S., relating to osteopathic faculty certificates; deleting a fee restriction; amending s. 459.008, F.S., providing for the renewal of licenses and certificates; amending s. 459.009, F.S., providing for inactive status; creating s. 459.0092, F.S., providing for fees; amending s. 459.0095, F.S., relating to Medicare and Medicaid assignments; amending s. 459.012, F.S., relating to itemized patient billing; creating s. 459.0122, F.S., relating to patient records with respect to the termination of an osteopathic physician's practice; providing clarifying language; amending s. 459.013, F.S., providing a penalty for certain viola-

tions; amending s. 459.015, F.S., providing grounds for disciplinary action; providing for increased fines under certain circumstances; creating s. 459.0155, F.S., providing for treatment programs for impaired practitioners; providing for a penalty; amending s. 459.016, F.S., relating to reports of disciplinary actions; amending s. 459.017, F.S., relating to osteopathic physician's consent; amending s. 459.018, F.S., relating to search warrants for described violations; providing that such warrants may be executed at any time; amending s. 459.021, F.S., relating to the registration of hospital residents and interns; providing clarifying language; amending s. 459.022, F.S., relating to osteopathic physician assistants; creating the Physician Assistants Committee; providing for certification; providing for application approval; authorizing the Secretary of the Department of Health and Rehabilitative Services to extend the other personal services employment of osteopathic physicians; creating an Impaired Practitioners Committee; providing duties; providing that the act shall not be deemed to allow the unsupervised practice of certain health care practitioners; repealing s. 459.014, F.S., relating to sexual misconduct in the practice of osteopathic medicine; repealing s. 459.0153, F.S., relating to the prescription or administration of laetrile; repealing s. 459.0154, F.S., relating to the prescription or administration of DMSO; saving chapter 459, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Frank, by two-thirds vote HB 4-B was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Frank, by two-thirds vote HB 4-B was placed on the special order calendar and by unanimous consent taken up instantly.

On motions by Senator Frank, by two-thirds vote HB 4-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Johnson	Plummer
Barron	Frank	Kirkpatrick	Scott
Beard	Gersten	Langley	Stuart
Castor	Girardeau	Malchon	Thomas
Childers, D.	Gordon	Mann	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crawford	Grizzle	McPherson	Weinstein
Crenshaw	Hill	Meek	
Deratany	Jenne	Myers	
Dunn	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Kiser

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed HB 1-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Lippman—

HB 1-B—A bill to be entitled An act relating to pharmacy; amending s. 465.002, F.S., clarifying legislative findings; amending s. 465.003, F.S., revising definitions; amending s. 465.004, F.S., requiring members of the Board of Pharmacy to have practiced in this state; deleting obsolete language; amending s. 465.005, F.S., clarifying rulemaking authority; amending s. 465.007, F.S., relating to licensure by examination; providing for the Test of Spoken English; amending s. 465.008, F.S., relating to license renewal; providing clarifying language; amending s. 465.009, F.S., clarifying continuing education requirements; amending s. 465.012, F.S., providing for revised inactive status requirements; amending s. 465.0125, F.S., relating to consultant pharmacists; amending s. 465.014, F.S., providing for the supervision of pharmacy technicians; amending s. 465.015, F.S., providing that it is unlawful to sell samples or complimentary packages of drug products; creating s. 465.0155, F.S., providing for standards of practice; creating s. 465.0156, F.S., providing for the regulation of mail order pharmacies; providing for disclosure; amending s. 465.0165, F.S.,

providing for treatment programs for impaired practitioners; providing penalties; amending s. 465.0193, F.S., revising language to include reference to nuclear pharmacy; amending s. 465.022, F.S., providing revised pharmacy permit requirements; amending s. 465.026, F.S., providing for the transfer of out-of-state prescriptions; providing clarifying language with respect to prescriptions; amending s. 465.027, F.S., deleting an exception to the operation of the chapter; creating s. 465.0275, F.S., providing for emergency prescription refills; creating s. 465.0276, F.S., regulating dispensing practitioners; creating s. 465.187, F.S., providing for a sales tax exemption with respect to the sale of medicinal drugs; amending s. 499.025, F.S., relating to identification requirements for certain drug products; amending s. 499.028, F.S., requiring reports concerning complimentary drugs; prohibiting the sale of complimentary packages of drug products; providing administrative fines; creating s. 465.0285, F.S., directing the Board of Pharmacy to make a report to the Legislature; repealing s. 465.028, F.S., relating to savings clauses; saving the chapter from Sunset repeal; providing for review and repeal; providing effective dates.

—was referred to the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Frank, by two-thirds vote HB 1-B was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Frank, by two-thirds vote HB 1-B was placed on the special order calendar and by unanimous consent taken up instantly.

On motions by Senator Frank, by two-thirds vote HB 1-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Jenne	Meek
Barron	Fox	Jennings	Myers
Beard	Frank	Johnson	Neal
Castor	Gersten	Kirkpatrick	Scott
Childers, D.	Girardeau	Langley	Stuart
Childers, W. D.	Gordon	Malchon	Thomas
Crawford	Grant	Mann	Thurman
Crenshaw	Grizzle	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Kiser

On motion by Senator Jenne, the Senate recessed at 11:04 a.m.

The Senate was called to order by the President at 11:58 a.m. A quorum present—38:

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kirkpatrick	Plummer
Beard	Gersten	Kiser	Scott
Castor	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hill	McPherson	Weinstein
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	

On motion by Senator Mann, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Mann—

SB 8-B—A bill to be entitled An act relating to Lee County; amending s. 10.01, Art. X, Charter of the City of Fort Myers Beach, as created by House Bill 996, 1986 Regular Session; providing a deadline for qualifying for initial election to the city council; providing alternative means of qualifying; providing that a candidate for a seat who wins a plurality at such initial election is elected to that seat; providing a referendum; providing an effective date.

On motions by Senator Mann, by two-thirds vote SB 8-B was placed on the special order calendar and by unanimous consent taken up instantan-

ter.
On motions by Senator Mann, by two-thirds vote SB 8-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Jennings	Neal
Barron	Fox	Johnson	Plummer
Beard	Frank	Langley	Scott
Castor	Girardeau	Malchon	Stuart
Childers, D.	Gordon	Mann	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Crawford	Grizzle	McPherson	Vogt
Crenshaw	Hill	Meek	Weinstein
Deratany	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Gersten, Kirkpatrick, Kiser

On motion by Senator Stuart, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators W. D. Childers and Stuart—

SB 7-B—A bill to be entitled An act relating to wildlife; reenacting ss. 372.5712, 372.573, 372.60, 372.65, F.S., relating to issuance of duplicate licenses and stamps for taking wild animal life or freshwater aquatic life, freshwater fish dealer's licenses, Florida waterfowl stamp revenues, and management area stamp revenues, respectively, in the manner said sections were amended by chapter 85-235, Laws of Florida, to resolve construction problems resulting from amendments to these sections by both chapter 85-235, Laws of Florida, and chapter 85-324, Laws of Florida, during the 1985 regular session; providing for retroactive application; reenacting s. 372.65(1), F.S., effective October 1, 1986, relating to freshwater fish dealer's licenses; including the same provision for aquaculture game fish licenses that was enacted by Committee Substitute for House Bill 83 (1986) to take effect on that date; reenacting or reenacting and amending s. 372.561, s. 372.57(2), (3), and s. 372.571, F.S., relating to issuance of licenses and stamps to take wild animal life or freshwater aquatic life, fees for such licenses and stamps, and expiration of such licenses and stamps, respectively; including the same provisions for service charges for issuance of such licenses or stamps and for nonresident fishing licenses and nonresident hunting licenses that were enacted by Committee Substitute for House Bill 83 (1986); correcting and clarifying cross-references; correcting grammar; providing effective dates.

—which was referred to the Committee on Natural Resources and Conservation.

On motions by Senator Stuart, by two-thirds vote SB 7-B was withdrawn from the Committee on Natural Resources and Conservation and by unanimous consent taken up instantan-

ter.
On motions by Senator Stuart, by two-thirds vote SB 7-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Jennings	Neal
Barron	Fox	Johnson	Plummer
Beard	Frank	Langley	Scott
Castor	Girardeau	Malchon	Stuart
Childers, D.	Gordon	Mann	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Crawford	Grizzle	McPherson	Vogt
Crenshaw	Hill	Meek	Weinstein
Deratany	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Gersten, Kirkpatrick, Kiser

On motion by Senator Jenne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership of the House and passed HB 8-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Martinez and others—

HB 8-B—A bill to be entitled An act relating to highway safety; amending s. 316.193, F.S.; increasing the penalty for a fourth or subsequent violation of provisions relating to driving under the influence; providing penalties for operating a vehicle and causing damage to property or person, serious bodily injury, or death; authorizing payment of an additional fine in lieu of public service work; providing penalties for operating a vehicle at a blood alcohol level of .20 or above; imposing an additional fine and providing for use of funds; amending s. 316.1932, F.S.; increasing the period of suspension of the driving privilege for refusing to submit to a breath, urine, or blood test; amending s. 316.655, F.S.; prohibiting the incarceration of certain minors in adult detention facilities; amending s. 322.03, F.S.; requiring any person applying for a Florida driver's license who has been convicted two or more times of the offense of driving under the influence to present proof of enrollment in or completion of an approved substance abuse education course and proof of financial responsibility; amending s. 322.12, F.S.; increasing certain license reinstatement fees; amending s. 322.25, F.S.; changing circumstances in which certain person's driving privileges may be reinstated on a temporary basis; amending s. 322.261, F.S.; increasing the suspension period for refusals to submit to breath, urine, or blood tests; specifying procedures for reinstatement of the driving privilege of a person whose license has been suspended under certain circumstances; amending s. 322.271, F.S.; changing procedures relating to modifications of revocation, cancellation, or suspension orders; defining business purposes only and employment purposes as restrictions to driving privileges; providing for reinstatement of driving privileges for persons convicted of not more than three offenses for driving under the influence and limiting reinstatement to employment or business purposes only; specifying previous convictions which will be considered previous convictions for driving under the influence; requiring such persons to remain under the supervision of approved education programs; providing that such persons shall assume reasonable costs for their continuing supervision; providing for cancellation of such person's driving privilege for failure to comply with such continuing supervision; amending s. 322.28, F.S.; specifying procedures for reinstatement of the driving privilege; specifying previous convictions which will be considered convictions for driving under the influence; amending s. 322.282, F.S.; providing procedures when a court revokes or suspends a license; amending s. 322.29, F.S.; increasing service fees for reinstatement of certain suspended licenses; amending s. 322.291, F.S., relating to enrollment in substance abuse education course for reinstatement of a driving privilege; authorizing cancellation of such privilege if the education course is not completed within a specified period after reinstatement; amending s. 782.071, F.S.; providing an enhanced penalty for persons who commit vehicular homicide and leave the scene of the offense; repealing s. 316.1931, F.S.; abolishing the offense of driving while intoxicated and changing offenses involving death or injury caused by a person driving a vehicle while under the influence of alcohol or certain substances or with an unlawful blood alcohol level; amending s. 25.387, 316.066, 316.1933, 316.1934, 316.656, 318.17, 322.264, 322.44, 627.758, 903.36, and 960.03, F.S., to conform; providing an appropriation; providing effective dates.

Senator Jenne moved that HB 8-B be admitted for introduction. The motion was adopted by the required constitutional two-thirds vote of the Senate. The vote was:

Yeas—34

Mr. President	Crawford	Gersten	Hill
Beard	Crenshaw	Girardeau	Jenne
Castor	Dunn	Gordon	Jennings
Childers, D.	Fox	Grant	Johnson
Childers, W. D.	Frank	Grizzle	Langley

Malchon	Meek	Scott	Vogt
Mann	Myers	Stuart	Weinstein
Margolis	Neal	Thomas	
McPherson	Plummer	Thurman	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Kiser

On motions by Senator Jenne, the rules were waived and by two-thirds vote HB 8-B was placed on the special order calendar and by unanimous consent taken up instantan.

On motions by Senator Jenne, by two-thirds vote HB 8-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fox	Jennings	Neal
Barron	Frank	Johnson	Plummer
Beard	Gersten	Langley	Scott
Castor	Girardeau	Malchon	Stuart
Childers, D.	Gordon	Mann	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Crawford	Grizzle	McPherson	Vogt
Crenshaw	Hill	Meek	Weinstein
Dunn	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Kiser

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed HB 5-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Lippman—

HB 5-B—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S., deleting obsolete language; amending s. 466.002, F.S., renaming auxiliary as assistant; amending s. 466.003, F.S., making technical changes; renaming auxiliary; amending s. 466.004, F.S., adding new board members; providing for several councils; authorizing certain fees; amending s. 466.006, F.S., revising requirements applicable to applicants who are graduates of certain colleges or schools not accredited or approved; changing clinical exam requirements; amending s. 466.007, F.S., making technical changes; revising provisions relating to clinical examinations for dental hygienists; amending s. 466.0135, F.S., making technical changes; specifying continuing education providers; amending s. 466.014, F.S., providing for proof of continuing education for dental hygienists; amending s. 466.015, F.S., altering inactive status provisions and fees; amending s. 466.017, F.S., making technical changes; providing for a fee; providing for the fulfillment of training requirements; revising provisions relating to anesthesia; amending s. 466.018, F.S., adding provisions relating to dentists of record; providing for multidentist practices and patient records; amending s. 466.019, F.S., substantially altering advertising requirements; creating s. 466.022, F.S., providing for peer review; amending s. 466.023, F.S., clarifying dental hygiene and dental assistant supervisory requirements; amending s. 466.024, F.S., changing auxiliary to assistant; amending s. 466.025, F.S., changing auxiliary to assistant; amending s. 466.026, F.S., increasing prohibitions for which there are criminal penalties; making technical changes; amending s. 466.028, F.S., altering disciplinary provisions; providing for forced examination; defining dental malpractice; adding new disciplinary provisions relating to substandard office practice and the administration of anesthesia; providing for increased fines; requiring the department to investigate malpractice; amending s. 466.0285, F.S., altering provisions relating to ownership of dental equipment and material; amending s. 466.031, F.S., making technical changes; amending s. 466.032, F.S., providing for biennial registration for dental laboratories; repealing s. 466.0395, F.S., relating to obsolete savings clause; saving chapter 466, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Frank, by two-thirds vote HB 5-B was withdrawn from the Committee on Economic, Community and Consumer Affairs and by unanimous consent taken up instantan.

On motions by Senator Jenne, by two-thirds vote HB 5-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Jennings	Neal
Barron	Fox	Johnson	Plummer
Beard	Frank	Kirkpatrick	Scott
Castor	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hill	Meek	Weinstein
Deratany	Jenne	Myers	

Nays—1

Gersten

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed HB 7-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Bell—

HB 7-B—A bill to be entitled An act relating to the Fiscal Year 1986-1987 General Appropriations Act; amending Specific Appropriation 1911, relating to the Land Acquisition Trust Fund, to provide for payment of the first year's debt service for bonds issued to acquire certain lands; amending Specific Appropriation 295, relating to prison health services, to provide for the authorization of additional positions and Fixed Capital Outlay expenditures; providing an effective date.

On motions by Senator Neal, by two-thirds vote HB 7-B was placed on the special order calendar and by unanimous consent taken up instantan.

On motion by Senator Neal, by two-thirds vote HB 7-B was read the second time by title.

Senator Fox moved the following amendment which failed:

Amendment 1—On page 2, between lines 8 and 9, insert:

Section 3. The sum of \$5,000,000 is hereby appropriated from the Public Medical Assistance Trust Fund to Jackson Memorial Hospital for fiscal year 1986-1987 as an Aid to Local Governments, grants and aids, reimbursement for uncompensated care. If Jackson Memorial Hospital collects more than \$17,000,000 during such fiscal year from the Medicaid medically needy program established pursuant to section 409.266(6)(d), Florida Statutes, the amount of this appropriation shall be reduced by the amount by which such collections exceeds \$17,000,000, but not to exceed the \$5,000,000 appropriation from the Public Medical Assistance Trust Fund.

On motion by Senator Neal, by two-thirds vote HB 7-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fox	Johnson	Plummer
Barron	Frank	Kirkpatrick	Scott
Beard	Gersten	Kiser	Stuart
Castor	Girardeau	Langley	Thomas
Childers, D.	Gordon	Malchon	Thurman
Childers, W. D.	Grant	Mann	Vogt
Crawford	Grizzle	McPherson	Weinstein
Crenshaw	Hill	Meek	
Deratany	Jenne	Myers	
Dunn	Jennings	Neal	

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bill 3-B.

Allen Morris, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed SB 5-B, and has admitted for introduction by the required Constitutional two-thirds vote of the membership of the House and passed Senate Bills 7-B and 8-B.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

ADJOURNMENT

On motion by Senator Jenne, the Senate adjourned sine die at 12:20 p.m.

SENATE PAGES

June 19

Brian Alexander, Tallahassee; Julie Anderson, Tallahassee; Matthew J. Baumeister, Homosassa; Suzy Braswell, Tallahassee; Kristen Leslie High, Tallahassee; Becki Hill, Tallahassee; G. W. Jett Johnson, Tallahassee; Kathryn Johnson (volunteer), Sarasota; Wade McDaniel, Tallahassee; Joseph W. Oswald, Marianna; Ken Phillips, Marianna; Marlene F. Roberts, Tallahassee; Tracy Steele, Havana